

RESPONSE TO PETITION FOR NONPARENTAL CUSTODY

King County Family Law Facilitators: Instruction # N-2
King County Local Family Law Rules
Revised Code of Washington 26.10

STEP 1: DETERMINE THE DEADLINE FOR YOUR RESPONSE

The deadline for your response depends on how you were served with the other party's documents. The deadline for your response is:

- 20 DAYS, if you were personally served in the State of Washington
- 60 DAYS, if you were personally served outside of the State of Washington, or by publication (from date of first publication)
- 90 DAYS from date of mailing, if you were served by mail.

If you do not respond to the Petition in a timely manner, the Court may enter an Order of Default against you and the moving party may obtain everything he or she requested in the Petition. Note: If you agree with everything in the moving party's paperwork, you can join in the Petition and avoid a trial. See Facilitator Instruction #N-3.

If you have been served with any of the documents listed below, a Temporary Order Hearing has been scheduled and you must prepare immediately for the hearing:

- Note for Motion Docket or Temporary Restraining Order and Order to Show Cause
- Motion/Declaration for Temporary Order or Motion/Declaration for Ex Parte Restraining Order and Order to Show Cause
- A Proposed Temporary Order
- Order of Child Support (Proposed)

If you wish to respond to either a Motion for Temporary Order or a Motion for Ex Parte Restraining Order and Order to Show Cause, your responsive materials are due by noon 4 court days before the hearing. (For more detailed information on responding to a Motion, see Facilitator Instruction #F-5, Responding to Motion for Temporary Orders).

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable

result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

STEP 3: COMPLETE THE REQUIRED FORMS

You will need:

- [**Response to Nonparental Custody Petition, WPF CU 01.0300**](#)
To complete this form you will need to read each paragraph in the moving party's petition. On the first page (and continuing on to the second page) of the response form, check only 1 box on each line that corresponds to the moving party's petition (either *ADMITTED*, *DENIED*, or *LACKS INFORMATION*). On the second page of the Response list your reasons why the petition should be denied (you may add additional pages if need be). On the third page of the Response in paragraph 2.1 check the box that says "The responding party requests that the petition be dismissed" if you want the child to live with one parent or both parents. If you do not want the child to live with a parent, but want someone other than the petitioner to have custody, check the "Does not apply" box in paragraph 2.1, and name that person in paragraph 2.2. Check boxes and fill out any other provisions that apply in paragraph 2.1. Sign your name, date it, and list your address.
- [**Return of Service \(WPF DRPSCU 01.0250\)**](#), or **Declaration of Mailing or Delivery**
Refer to Facilitator Instruction #S-2, "Service of Papers After Initial Summons and Petition Have Been Served," for detailed instructions and information.

If the petitioner is requesting child support, you will also need:

- [**Child Support Worksheets and Schedule \(WSCSS - Worksheets\)**](#)
The Schedule provides important information and Instructions for proper completion of the Worksheets.
- [**Financial Declaration \(WPF DR 01.0550\)**](#)
- [**Sealed Financial Source Documents \(WPR DRPSCU 09.0220\)**](#).
Attach copies of the other financial documents required for a change in custody or child support: complete tax returns for the past 3 years with all schedules and W-2s; complete tax return for the year that the prior order of child support was entered; all pay stubs showing income for the past 6 months or since January 1, whichever period is greater; and all statements of financial institutions for accounts listing you as account holder or in which you have an interest.

If the petitioner is requesting a parenting, you will also need:

- [Residential Schedule \(Proposed\) \(WPF CU 01.450\)](#)
- [Declaration in Support of Proposed Temporary Parenting Plan \(WPF DR 04.0120\)](#).

Fill out this form addressing parenting functions and work schedules for each parent and the child(ren)'s past and present child care schedule.

And, if applicable:

- [Declaration re: Service Members Civil Relief Act \(WPF All Cases 01.0200\)](#)

If the other party has scheduled a Motion for Temporary Orders, you will also need:

- [Declaration \(WPF DRPSCU 01.0100\)](#)
- [Temporary Custody Order \(WPF CU 03.0200\)](#) [proposed]
- [Order of Child Support \(WPF CU 01.0500\)](#) [proposed]

NOTE: These instructions make no further reference to responding to a Motion for Temporary Orders or Temporary Restraining Order and Order to Show Cause. See Facilitator Instruction #F-5 for more information. Note especially the information on the delivery of "Working Papers".

STEP 4: SCHEDULE THE ADEQUATE CAUSE

Petitioners must obtain an order of Adequate Cause by the deadline listed in the Case Schedule. As a Respondent, *after your Response has been filed*, you may choose to schedule the Adequate Cause Hearing yourself if the Petitioner has not already done so. In contested cases, the Adequate Cause must be noted on the Family Law Calendar at 1:30pm. File your original documents with the Clerk's Office **and** serve all parties copies at least 14 days before the date you have chosen.

You will need:

- [Respondent's Notice of Hearing for Adequate Cause Determination \(Nonparental Custody\) \(WPF CU 02.0350\)](#).
- [Declaration \(WPF DRPSCU 01.0100\)](#).
- [Order re Adequate Cause \(Nonparental Custody\) \(WPF CU 02.0400\)](#).
- [Return of Service \(WPF DRPSCU 01.0250\)](#).

STEP 5: MAKE COPIES, FILE WITH CLERK

Make a set of copies of your papers (all forms except the Return of Service) **for each party to the case.** Parties include the Petitioner, both parents and any custodian of the child/ren. If any party is requesting an Order of Child Support and the children have

ever received public assistance, you will need to make an extra set of copies for the King County Prosecutor's Office, Family Support Section.

File the originals of the following forms with the Clerk's Office,

- Response to Nonparental Custody Petition, WPF CU 01.0300

and, if applicable:

- Child Support Worksheets
- Financial Declaration (WPF DR 01.0550)
- Sealed Financial Source Documents (WPR DRPSCU 09.0220), with attachments
- Residential Schedule (Proposed) WPF CU 01.450
- Declaration in Support of Proposed Temporary Parenting Plan, WPF DR 04.0120.

STEP 6: SERVE THE OTHER PARTIES
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Serve all other parties with one complete set of copies of all forms, except the Return of Service or Declaration of Mailing or Delivery form. (Parties include the Petitioner, both parents and any custodian of the child/ren). You may serve these papers by delivering or mailing them yourself (provided that no order restrains you from having contact). You must respond to the Petition by the deadlines listed in Step One **and** respond to the motions by noon, 4 court days before the hearing. *If you are mailing the documents, mail them at least 3 days before the deadline.* If an attorney has appeared on behalf of the other party, deliver or mail to the attorney instead. After you have delivered or mailed your documents, fill out the Return of Service or Declaration of Mailing or Delivery form. Make one copy of this form for your records and file the original with the Clerk's Office. If you have someone other than yourself, who is 18 years of age or older, serve the other party, that person must complete and sign the form. After the server has completed and signed the form, make one copy for yourself and file the original with the Clerk's Office.

If either party is requesting child support and the children have ever received public assistance, you must also deliver a set of copies to the Prosecuting Attorney's Office, Family Support Section.

STEP 7: ATTEND MANDATORY PARENTING SEMINAR

King County Local Family Law Rules require each party to attend a parenting seminar by the deadline listed in your Case Schedule. An information sheet regarding this mandatory seminar is available in both the Clerk's Office and the Facilitators' Office.

STEP 8: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL
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After filing your response with the Court, you must follow your Case Schedule. If you did not receive a Case Schedule from the Petitioner, you can make a copy of it from your file in the Clerk's Office (in the Records Access area). **You will have a trial in**

approximately 11 months. Facilitators cannot assist with trial preparation. You are strongly advised to talk to an attorney.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.